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December 12, 1997

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Ex parte

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CS Docket No. 97-151

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, this is to notify you that the following individuals, representing the organizations noted below, met yesterday afternoon with Elizabeth Beaty, Cheryl King, and Priscilla Wu, of the Cable Services Bureau, to discuss the development of new pole attachment regulations as proposed in CS Docket No. 97-151:

<u>Name</u>	<u>Representing</u>
Jeffrey Sheldon Sean Stokes	UTC, The Telecommunications Association
Laurence Brown Cal Odom	Edison Electric Institute
Tamara Linde	Public Service Electric & Gas
Martin Heslin Joseph Wargacki Ralph Tapino	Consolidated Edison Co. of New York

A copy of the written presentation used during this meeting, which also summarizes the points addressed, is attached to this notice. Two copies of this notice are submitted for filing.

If you have any questions concerning this matter, please let me know.

Very truly yours,

Jeffrey L. Sheldon
General Counsel

Attachments

cc (w/o att.): Elizabeth Beaty
Cheryl King
Priscilla Wu

021

**Electric Utility Concerns
In CS Docket No. 97-151
(Post-2001 Pole Attachment Rates)**

I. Rely On Market Forces To Greatest Extent Possible

- Exhibit a preference for negotiations.
- Non-discriminatory access does not mean that all agreements have to be identical.
- A “forward looking” cost methodology would most effectively approximate the real costs of access.

II. Allocation of non-usable space among “attaching entities”

- “Pole attachment” is defined in §224(a)(4) as attachments by a cable television system or a provider of telecommunications services.
- Under this definition, the following are not “pole attachments”:
 - Electric utility facilities used to provide electric service, including facilities used for internal communications.
 - Facilities of local governmental agencies that are not used for cable television or telecommunications service.
 - Facilities of an ILEC. (Section 224(a)(5) explicitly states that ILECs are not considered telecommunications carriers for pole attachment purposes).

III. Exemption from Post-2001 Rate for Systems That “Solely Provide Cable Service”

- Cable company claiming the exemption should certify to the FCC and the utility that it is solely engaged in providing cable services on the facilities covered by the pole attachment agreement.
- The provision of Internet service, cable modem service, or other information service is not cable service.
- Overlapping of new facilities to provide non-cable services should also trigger the post-2001 rate.
- If any facilities covered by the pole attachment agreement are used for other than cable services, none of the facilities should be entitled to the exemption.

IV. Overlashing

- Engineering and safety standards, as well as basic property law, require that each overlying entity obtain a separate agreement or prior approval from the pole owner.
- Overlying by a third-party requires a separate allocation of non-usable space.

V. Conduit

- Half-duct methodology is inappropriate for electrical conduit because the presence of a telephone cable within a duct effectively makes the entire duct unsuitable for electric lines.
- “Usable” vs. “non-usable” space
 - Statute acknowledges that non-usable components are of equal benefit to all attaching entities.
 - Just as non-usable space on a pole includes the buried portion of a pole, the non-usable space in a conduit system encompasses all elements of the system that are of common benefit to all “attaching” entities.
 - Therefore, “non-usable” space should include all cement or encasement materials, vaults, handholes and other related equipment that allow for deployment of, access to, and maintenance of cable facilities.

VI. Transmission towers and wireless attachments

- These issues are subject to reconsideration in CC Docket 96-98.
- Safety, reliability and cost issues involving transmission structures are not encompassed in the current proceeding.
- There is a competitive market for wireless communications sites:
 - Wireless carriers require access to utility facilities (see attached excerpts from wireless publications illustrating the plethora of entities in the tower siting business).
 - Regulated rates for wireless attachments to utility property will act as disincentive for other entities to make wireless sites available.
- Even local exchange carriers with cellular affiliates are not required to provide co-location or access to their communications towers.

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12/02 Close	11/25 Close	52-week High	52-week Low	Company Name	Exchange/ Ticker Symbol	12/02 Close	11/25 Close	52-week High	52-week Low
8.53	8.44	10.63	3.88	INTEGRATED CARRIERS					
30.00	38.38	41.75	22.00	ALLTEL CORP	NYSE/AT	40.31	39.25	40.00	29.63
12.80	13.75	21.50	11.50	AT&T CORP	NYSE/T	56.31	55.50	57.00	30.75
21.13	19.13	21.19	8.63	COMCAST CORP	NAS/CMCSA	27.80	27.63	28.75	14.38
25.90	35.13	35.75	24.38	GTE CORP	NYSE/GTE	40.25	48.13	52.25	40.50
18.38	19.50	22.88	9.50	INCI COMMUNICATIONS CORP	NAS/INCI	44.31	43.19	44.50	27.31
11.63	11.38	12.13	7.31	SPRINT CORP	NYSE/PON	57.88	57.00	60.63	37.50
12.44	11.88	13.00	8.63	TELEPHONE & DATA SYS INC	AMEX/TDS	45.80	43.81	46.44	34.50
19.63	19.31	24.38	13.88	VENDORS/DIVERSIFIED CORPS.					
33.44	32.00	36.88	23.13	ADC TELECOMMUNICATIONS	NAS/ADCT	37.00	36.56	45.00	21.25
13.97	13.63	18.00	9.25	ALLEN TELECOM INC	NYSE/ALLN	19.25	20.06	30.00	16.00
18.25	17.50	22.25	10.00	ANDREW CORP	NAS/ANDW	25.00	26.63	42.50	22.13
2.00	1.94	5.63	1.31	ASSOCIATED GROUP	NAS/AGRP	31.50	32.38	42.63	14.25
6.53	5.88	12.50	3.75	AUDIOVOX CORP	AMEX/VOX	8.75	8.63	10.88	4.63
5.00	5.81	8.00	3.50	BATTERIES BATTERIES	NAS/BATS	2.13	2.13	4.25	2.00
17.44	17.81	18.63	5.13	BRIGHTPOINT INC	NAS/CELL	16.81	17.06	24.25	8.00
9.88	9.86	13.25	4.38	BRUTE VOICE SYSTEMS INC	NAS/BVSI	9.38	9.25	18.00	6.75
12.44	12.13	18.63	5.75	CALIFORNIA MICROWAVE	NAS/CMIC	18.75	19.00	21.75	11.75
1.38	1.31	2.06	0.69	CELLSTAR CORP	NAS/CLST	29.19	29.69	40.88	7.42
1.63	1.63	7.00	1.38	CINCINNATI BELL	NYSE/CSN	28.38	28.25	33.75	23.06
4.31	4.88	6.88	2.38	CELLULAR TECHNICAL SERVICES	NAS/CTSC	2.91	2.75	20.00	2.25
1.50	1.75	3.00	1.44	CONERENT COMMUNICATIONS	NAS/CCSC	28.38	26.38	33.75	15.38
0.73	0.76	7.13	0.20	CORSAIR COMMUNICATIONS	NAS/CAIR	21.00	16.88	27.63	14.88
2.31	1.97	9.13	1.75	DATAMARINE	NAS/DMAR	3.88	3.88	9.75	3.50
26.44	26.13	32.00	12.13	DSC COMMUNICATIONS	NAS/DSCI	24.44	22.44	32.75	16.13
7.31	7.81	14.75	6.63	DSP COMMUNICATIONS INC	NAS/DSPC	14.44	16.38	25.63	6.00
2.94	22.94	28.50	19.63	ERICSSON LN TELEPHONE CO	NAS/ERIC	30.63	41.38	50.63	28.00
-0.63	51.00	58.50	23.75	GEOWORKS	NAS/GWRX	11.72	13.16	27.38	5.28
-0.81	41.00	54.63	17.00	GLENAYRE TECHNOLOGIES INC	NAS/GENS	10.75	11.13	24.75	8.00
5.50	26.00	27.38	12.75	HEWLETT PACKARD CO	NYSE/HWP	61.00	61.69	72.94	48.13
8.00	27.88	37.63	26.88	IBM CORP	NYSE/IBM	110.75	107.38	113.31	63.56
9.00	77.25	83.25	60.75	IFR SYSTEMS INC	NAS/IFRS	31.00	29.25	35.25	14.00
3.13	12.88	18.00	7.25	INTEK DIVERSIFIED	NAS/IDCC	1.63	1.75	7.00	1.38
0.31	20.56	21.44	7.00	INTERDIGITAL COMMUNICATIONS	AMEX/IDC	4.50	4.25	7.44	3.88
5.00	39.00	57.50	29.38	LCC INTERNATIONAL	NAS/LCCI	19.50	19.75	25.94	7.38
1.13	11.38	22.25	11.00	LIGHTBRIDGE	NAS/LTBG	15.13	14.50	19.50	5.75
1.44	62.69	67.00	39.38	LUCENT TECHNOLOGIES	NYSE/LU	82.44	80.19	90.75	44.75
1.50	28.50	31.38	15.00	METRICOM INC	NAS/MCOM	12.53	12.16	18.38	4.38
0.06	76.44	79.06	54.75	METRO ONE TELECOMMUNICATIONS	NAS/MTON	8.81	8.25	11.00	5.25
0.00	86.00	89.81	56.75	MOTOROLA INC	NYSE/MOT	63.63	64.81	90.50	51.50
0.94	55.06	56.75	36.75	NEC CORP	NYSE/NMNY	53.80	53.13	74.00	48.63
25	45.63	47.63	28.50	NOKIA CORP	NYSE/NOKA	77.44	82.25	102.44	53.25
25	24.38	27.63	15.13	NORTHERN TELECOM LTD	NYSE/NT	95.31	89.38	113.88	57.75
44	60.31	74.94	48.50	OMNIPONT CORP	NAS/OMPT	20.31	20.69	27.88	6.88
38	44.81	46.86	34.75	ORTTEL CORP	NAS/ORTL	17.13	20.00	25.63	10.88
06	44.13	45.94	30.38	P-COM	NAS/PCOM	18.50	17.38	29.38	12.38
				POWERWAVE TECHNOLOGIES	NAS/PWAV	26.00	26.75	40.00	11.00
				PROXIM	NAS/PROX	10.94	12.00	26.75	10.13
				QUALCOMM INC	NAS/QCOM	68.00	68.38	71.94	38.00
				RACOTEK INC	NAS/RACO	1.38	1.31	5.38	1.00
				SPECIALTY TELECONSTRUCTORS	NAS/STR	13.13	14.25	19.88	7.00
				SPECTRIUM CORP	NAS/SPCT	20.75	20.75	66.38	7.38
				TELLABS INC	NAS/TLAB	52.13	50.00	65.00	32.00
				TELULAR CORP	NAS/URLS	2.00	2.94	8.56	2.19
				TESSCO TECHNOLOGIES INC	NAS/TESS	21.88	22.13	37.50	14.75
				TRANSCRYPT INTERNATIONAL	NAS/TRNI	24.00	22.50	26.00	6.75
				UNR INDUSTRIES	NAS/UNRI	5.13	5.00	8.00	4.25
				WINSTAR COMMUNICATIONS	NAS/WCHI	28.19	26.63	29.88	9.75
				WORLD ACCESS	NAS/WAXS	23.00	24.50	34.13	7.50

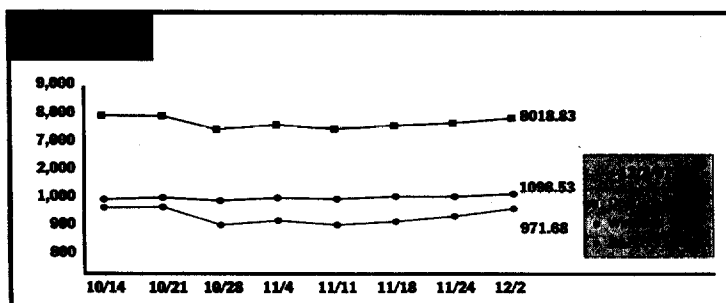
Spectrum Lands \$60 Million

Money keeps pouring into the acquisition and construction of wireless carriers.

Spectrum Resources lowered its bid and it landed a \$60 million investment from a partnership headed by Venus, Sutter and Associates Inc. Boosting Spectrum's bid to \$60 million, the company says, was the expectation of its investors, who want to see the company's value rise over the coming year.

Spectrum, based in Falls Church, Va., said the investment raised to more than \$100 million, the amount it has to buy existing towers and build towers to suit specific wireless carriers.

Like many other tower and siting companies, Spectrum is acquiring properties to serve the massive growth expected in wireless carriers.



rsair Communications Inc. nped 24.44 percent on the ek, buoyed by a contract anding GTE Wireless use its PhonePrint cellular ud prevention system. rsair's rally reflects the ck's volatile performance ce its July initial public aring at \$15 a share. The

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